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Executive Registry

82-4298/8

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Implementation of NSDD-19 on Protection of Classified
National Security Council and Intelligence Information

FROM:

Chairman, SECOM

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and
building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALSCOMMENTS (Number each comment to show from whom
to whom. Draw a line across column after each comment.)

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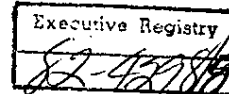
*Rewritten and
Signed by DCI
under 82-4298/14*

L117

NSDD 19

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**DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee**



SECOM-D-088

15 March 1982

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM:

Chairman

SUBJECT: Implementation of NSDD-19 on Protection of Classified
National Security Council and Intelligence Information

REFERENCE: A. Assistant to the President for National Security
Affairs Memorandum Dated 2 February 1982
B. DCI Memorandum for National Foreign Intelligence
Council Dated 2 March 1982

1. Action Requested: Your approval of a proposed response to tasking
to the DCI in reference A.

2. Background: The President signed NSDD-19 on 12 January 1982, stating
his concern about "unauthorized disclosure of classified information under the
jurisdiction of the National Security Council and of classified intelligence
reports..." and establishing controls to remedy the situation. Press reaction
prompted reconsideration, and issuance of reference A. In that, you were
asked to draft procedures for the protection of intelligence and submit them
for NSC consideration by 15 March 1982, noting any dissenting views. By
reference B you disseminated a set of draft implementing procedures.

3. Discussion: The draft procedures for intelligence (reference B) were
designed to tighten control over sensitive intelligence in a manner that would
recognize resource limitations and timely handling requirements, and would
give us better tools to resolve leaks. These procedures were less rigorous
than the original NSDD-19 ones were for NSC information, but more strict than
what was specified by the later White House guidance (reference A).

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ER

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Comments were received from Justice, State, Air Force, Army, NSA and Treasury. They are attached to the proposed memo to Judge Clark. CIA comments (John McMahon) are stated in the text of the proposed memo.

4. Staff Position: We believe that the wide variation in Community comments on this issue, and the change in original White House policy on this subject, show a need for more definitive national level guidance. Accordingly, literal compliance with reference A direction to provide our draft plus any Community dissents would illustrate the diversity of present views and support the case for explicit new guidance.

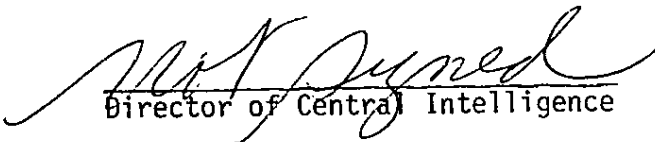
5. Recommendation: That you sign the attached memorandum to Judge Clark forwarding your procedures (referenceB) and all the comments.

STAT

Attachment



APPROVED:


Director of Central Intelligence

Date

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SUBJECT: Implementation of NSDD-19 on Protection of Classified National Security Council and Intelligence Information

Distribution:

Orig - Return C/SECOM

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DEPARTMENT OF STATE

THE DIRECTOR OF INTELLIGENCE AND RESEARCH
WASHINGTON

March 10, 1982

OFFICIAL USE ONLY

MEMORANDUM FOR: Mr. Walter Elder
Executive Secretary
National Foreign Intelligence Board

SUBJECT: Implementation of NSDD-19

REF: NFIC/NFIB-9.2/66

I have the following comments on the memorandum of reference:

a. Classified and Sensitive Intelligence Information

There is a risk of confusion in the title and first paragraph of the Director's draft memorandum between the terms "classified" and "sensitive" intelligence information. Since all agencies are responsible for the protection of classified information related to national security, and the DCI has special responsibilities for "sensitive" intelligence information, I suggest that the term "sensitive" be used uniformly and exclusively to avoid problems of interpretation. The key element of the Director's memorandum is that certain types of intelligence require special handling over and above that applied to ordinary classified material which is to be controlled by other procedures in individual agencies.

b. Investigations

INR employees are subject to State Department rules and procedures which do not require them to undergo polygraph examinations as part of investigations. I therefore recommend that we await the results of the Justice Department's Task Force on this issue before preparing the final version of the DCI's instructions.

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c. Contacts with the News Media

As you will recall, the original draft of NSDD-19 contained restrictions on contacts with the news media. These restrictions were subsequently removed, and NSDD-19 now makes no mention of news media contacts. The Director clearly feels that intelligence officers should be subject to greater restrictions with respect to news media than other civil servants. He should be aware, however, that in this respect, the draft directive would not be consistent with NSDD-19.

Given the obvious difficulties this instruction will cause to other members of the Intelligence Community, I strongly urge that the draft be tabled for an early NFIC meeting.


Hugh Montgomery

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C. 20330

8 MAR 1982

REPLY TO
ATTN OF: IN

SUBJECT: Implementation of NSDD-19 (NFIC/NFIB-9.2/66 Memo, 3 Mar 82)

TO: Executive Secretary
NFIC/NFIB

I fully support all efforts to improve the protection of classified intelligence information. However, the proposed NSDD-19 implementer contains two areas which I believe require modification as shown in the attached.

John B. Marks
JOHN B. MARKS, Maj Gen, USAF
Asst Chief of Staff, Intelligence

1 Atch
Recommended Changes to NSDD-19
DCI Implementing Procedures
(FOUO)

RECOMMENDED AIR FORCE CHANGES

Page 2, "Cover Sheets" Paragraph. Delete and replace with the following:

"Administrative Accountability

Senior Intelligence Officials shall ensure that administrative accountability and other security procedures required by DCI Directive 1/19 (or successor directive) for SCI documents are rigorously applied by all persons and activities under their cognizance. Rules for other sensitive intelligence information shall also be applied with equal emphasis to include, where possible, identification of the office(s)/person(s) to which/whom such information is disseminated. Maximum use of cover sheets shall be made when it is necessary to guard against unauthorized disclosure to persons not possessing appropriate accesses."

RATIONALE: One of the reasons why the APEX control system was not adopted was because of its stringent and expensive administrative accountability rules. While unintentional perhaps, the "cover sheet" paragraph would appear to revert to "APEX-like" rules by requiring that each SCI document have a cover sheet listing each "office(s)/person(s) to which/whom such information is disseminated."

This is not required by the current DCID 1/19 or the most recent draft DCID 1/19 replacement. Receipts, records of initial receipt and dissemination, etc, serve to track documents. Moreover, the sheer volume of SCI material would require most activities to devote additional manpower/effort to preparing cover sheets as apparently required by the draft implementer.

For the purpose of this implementation statement and to eliminate any confusion on this matter, we believe there should only be a simple reference to DCID 1/19 procedures for SCI and a requirement to apply equal emphasis on other intelligence information.

Page 3, "Contacts with the News Media" Paragraph. Revise the second sentence as follows:

"When a senior level contact with the news media is deemed absolutely necessary in a Community department or agency, it may be made only with the specific advance approval of the cognizant Senior Intelligence Official and coordination with appropriate public affairs offices."

RATIONALE: The underlined addition assists in insuring that all contacts are properly reviewed as public affairs offices are often the first to learn of media requests for briefings/contacts with intelligence officials.

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DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON, D.C. 20310

DAMI-CIS

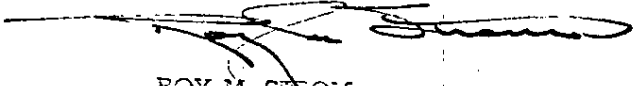
10 MAR 1982

MEMORANDUM FOR THE EXECUTIVE SECRETARY, NATIONAL FOREIGN INTELLIGENCE
COUNCIL/NATIONAL FOREIGN INTELLIGENCE BOARD

SUBJECT: Implementation of NSDD-19

We support your effort to improve the protection of classified intelligence information and agree with your proposals except that portion pertaining to "cover sheets." We submit the attached recommendation for your consideration.

1 Incl
Proposed Change



ROY M. STOM
Brigadier General, USA
Deputy ACoS for Intelligence

RECOMMENDED ARMY CHANGE

Page 2, Paragraph regarding Cover Sheets. Suggest deletion and substitution of the following:

"Accountability. Senior Intelligence Officials will ensure that administrative and accountability procedures required by DCID 1/19 for SCI documents are fully complied with by personnel under their jurisdiction. Rules for other sensitive intelligence information shall also be applied with equal emphasis to include, where possible, identification of the offices and individuals to which and whom such information is disseminated. Cover sheets will be used to the maximum extent to guard against unauthorized disclosures of classified intelligence information."

Rationale: The proposed DCI procedure is very similar to the previously suggested and disapproved method of APEX-like rules for cover sheets. That proposal was not adopted because of expensive administrative accountability rules. The use of cover sheets is not required by DCID 1/19. Present administrative control procedures (initial receipts and internal controls) are sufficient to control these documents. The volume of SCI material would also require considerable effort and manpower to prepare cover sheets. A simple reference to DCID 1/19 procedures for equal emphasis on other intelligence information would seem to suffice.



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N0263

10 March 1982

MEMORANDUM FOR THE EXECUTIVE SECRETARY, NATIONAL FOREIGN INTELLIGENCE
COUNCIL

SUBJECT: Implementation of NSDD-19 on Protection of Classified National
Security Council and Intelligence Information

1. In response to your request of 3 March 1982, we have reviewed the draft DCI procedures on the Protection of Classified Intelligence Information. I am concerned that the procedures recommended by the DCI staff are inconsistent with current Executive and Regulatory documents and are administratively burdensome when applied to the large quantities of SCI processed by the National Security Agency. The draft DCI procedures also fail to consider the detailed work underway to rewrite DCID 1/19, which is intended to serve as the single vehicle for the publication of DCI guidance for the protection and control of SCI.

2. I recommend that procedures proposed in the DCI draft be made consistent with those contained in the draft DCID 1/19 currently under consideration by the DCI Security Committee.

3. Our specific concerns with the proposed procedures are noted in the enclosures.

4. We have no objection to the publication of procedures for the control of National Security Council information as a separate action.

A handwritten signature in cursive script, reading "L. Faurer", is positioned above the typed name.

LINCOLN D. FAURER
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encl:
a/s

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NSA COMMENTS ON DRAFT IMPLEMENTATION OF NSDD-19 ON
"PROTECTION OF CLASSIFIED NATIONAL SECURITY
COUNCIL AND INTELLIGENCE INFORMATION"

I. Relationship to DCID 1/19

The common standard for control of SCI for the Government is DCID 1/19. The Security Committee of the DCI is now engaged in staffing a complete rewrite of the DCID. NSA recommends that the procedures for the control of SCI proposed in the DCI draft be made consistent with those contained in the proposed DCID 1/19 so that the DCID may continue to serve its function as prime DCI guidance for SCI control.

II. Coversheets

NSA has no objection to the use of coversheets for that SCI which must be sent outside of the originating agency. We recommend that the proposed DCID 1/19 requirement that "coversheets be used when it is necessary to guard against unauthorized disclosure to persons not possessing appropriate SCI accesses" is the most pragmatic method to implement the coversheet requirement and be used in place of the draft wording. We also believe it to be reasonable to consider that those documents with an existing cover which already contains the classification, distribution, Office of Origin and unclassified title already have a coversheet and not be required to have additional coversheets affixed.

III. Access Records

The draft DCID 1/19 charge that "each SCIF shall maintain systems of accountability sufficient to provide for the security of SCI disseminated, received or retained by its activity and to assist in the investigation of compromises of SCI documents" is in our opinion adequate to meet the intent of NSDD-19.

IV. Investigation of Unauthorized Disclosures

The current draft of DCID 1/19 requires that possible unauthorized disclosures of SCI be reported to the appropriate Intelligence Community Program Manager. The IC program manager would then supervise the conduct of an investigation and report the results to the DCI. The current wording of the DCI draft requires SIO's to report directly to the DCI and is inconsistent with the procedures agreed upon by the DCID 1/19 working group. In addition, current DoD regulations require reporting to the SECDEF of certain disclosures including disclosures of cryptologic information. It is recommended that the reporting procedures for unauthorized disclosures or compromises already agreed upon and slated for publication in DCID 1/19 be adopted.

The responsibility of each Agency to report to the Department of Justice as required by Executive Order 12333 should be made explicit.

ENCLOSURE

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V. Personal Accountability

We recommend that the draft DCID 1/19 provision that "all persons holding or being given SCI access shall sign an NdA. Failure to sign the NdA is cause to deny or revoke existing SCI access for the refusing person" be substituted for the current wording in the "Personal Accountability" section of the 2 March draft.

VI. Contacts with the News Media

Recommend that the first sentence be changed to recognize the authority of SIOs to delegate to subordinates responsibility for contact with the media. First sentence should therefore read "...intelligence officers or their designees.....". Further recommend the final sentence in this section be deleted because it may infringe upon the authority of the SIO to conduct his mission. This does not preclude SIO's from reporting to the DCI any significant contacts.



OFFICE OF THE SECRETARY OF THE TREASURY

WASHINGTON, D.C. 20220

March 10, 1982

MEMORANDUM FOR *Elder*
Walter Elder, Executive Secretary
National Foreign Intelligence Council

Foster
FROM: J. Foster Collins, Special Assistant
to the Secretary (National Security)

SUBJECT: Comments on Procedures for Implementing NSDD-19

REFERENCE: NPIC/NFIB-9.2/66, dated 3 March 1982

My only concern with the referenced procedures is with the use of the polygraph for investigation of unauthorized disclosures. I very much agree with the statement that the polygraph is an appropriate means for use in unauthorized disclosure investigations, but am not sure that this view would be accepted by all Treasury officials who have access to sensitive compartmented intelligence. As I understand it, under present regulations, no employee could be required to take a polygraph, even if he were suspected of an unauthorized disclosure. I have no alternative language to suggest, and have no problem with the way it is now stated, but I recommend that the interagency group convened by the Attorney General under NSDD-19 be asked to study the possibility of adding a provision to the non-disclosure agreement for SCI which would require the signer to agree to submit to a polygraph during any investigation of an unauthorized leak of information to which he had had access.

My only other suggestion is to change the wording on the last line of page 2 to read "may have occurred" and on the first line of page 3 to read "the conclusions of all such investigations...".

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Office of Intelligence Policy and Review

Washington, D.C. 20530

March 11, 1982

MAR 12 1 24 PM '82

MEMORANDUM FOR WILLIAM J. CASEY
Director, Central IntelligenceRe: Proposed Procedures Implementing NSDD-19

You have requested our comments on draft procedures that are proposed to implement the February 2, 1982 memorandum from the Assistant to the President for National Security Affairs that superceded NSDD-19. That memorandum establishes procedures for protecting classified National Security Council information and directs you to develop "similar procedures for protection of classified intelligence information." As is explained further below, the proposed procedures do both too much and too little in implementing this directive.

The requirement that all persons with access to this information enter into a nondisclosure agreement specifically requiring prepublication review goes well beyond the requirements of Judge Clark's memorandum and is not "similar" to anything in the NSC procedures. Further, a new SCI non-disclosure agreement recently was promulgated for CIA and other entities were encouraged to adopt the prepublication provision in that agreement. The Justice Department is considering adopting that form and we believe an affirmative decision on that issue will be reached here. That consideration is premised in part on the narrow definition and ready identifiability of SCI. The proposed requirement, however, goes beyond even the obscure definition of "sensitive intelligence information" contained in the procedure and requires submission of any material "concerning or related to intelligence matters." I do not believe that such a broad requirement is either authorized by Judge Clark's memorandum, or is necessary or advisable in this context and I doubt whether DOJ would accept such a mandate. This requirement should be deleted.

The provision on investigations of unauthorized disclosures states that use of the polygraph is appropriate in internal inquiries into such disclosures. This also is dissimilar from the NSC procedures. Further, it should be made clear that such investigations must be limited so as to not jeopardize subsequent proceedings by the FBI and Justice and to avoid

- 2 -

entangling the intelligence agencies in law enforcement activities. Also, the extent of such inquiries is limited by the procedures for reporting crimes under section 1.7(a) of Executive Order 12333 and by the requirement in section 1.7(b) of that order that serious or continuing security breaches should be referred to the Attorney General and the FBI. The reference to the polygraph should be revised to make clear that the use of that investigative tool remains a matter of internal policy and regulation.

We do not read the provision concerning media contacts to apply outside the Intelligence Community as defined in E.O. 12333. This requirement also goes beyond Judge Clark's memorandum and the NSC procedures. It should be made clear, at best, that agencies should use or attempt to develop established procedures for media contacts and clearances within their respective entities.

The procedures apply to "sensitive intelligence information." That term is defined to include essentially only Sensitive Compartmented Information (SCI). It is not clear what "special access program" information, if any, would not also be SCI. Unless the third category is intended somehow to extend beyond the concept of "intelligence information" as described in Judge Clark's memorandum, it is superfluous. If this is the intention, the procedures exceed the authority provided in that memorandum. At the same time, however, the procedures do not take full advantage of the authority provided in that memorandum by their limitation to SCI and special access programs. The memorandum authorizes procedures applicable to all "classified intelligence information." This can be cured by defining "classified intelligence information" as foreign intelligence and counterintelligence information, (as those terms are defined in E.O. 12333) and properly classified under Executive order. Unless the changes identified in the earlier paragraphs of this memorandum are accepted, however, this change will exacerbate the problems of scope and coverage identified in those paragraphs.

Finally, it should be noted that Judge Clark's memorandum requests the DCI to develop for NSC consideration "procedures for protection of sensitive intelligence information within its [NSC] control." While further NSC guidance may be necessary in this regard, it appears that what was requested by the NSC was

- 3 -

merely a procedure for protecting intelligence information in the hands of the NSC rather than a procedure which is intended to apply to other agencies and departments.

We would be happy to discuss our proposed changes further with your representatives.

A handwritten signature in cursive script, appearing to read "Mary C. Lawton".

MARY C. LAWTON
Counsel for Intelligence Policy
Office of Intelligence Policy and Review

UNCLASSIFIEDTHE WHITE HOUSE
WASHINGTON

82-01058

February 2, 1982

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS
THE UNITED STATES TRADE REPRESENTATIVE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE CHAIRMAN, NUCLEAR REGULATORY COMMISSION
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
THE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION
THE ADMINISTRATOR, NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
THE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

SUBJECT: Implementation of NSDD-19 on Protection of
Classified National Security Council and
Intelligence Information

The President signed NSDD-19 on January 12, 1982, dealing with protection of classified National Security Council and Intelligence Information, directing that I establish procedures to implement its policy guidelines. This memorandum (1) supersedes NSDD-19, (2) establishes procedures for protection of National Security Council Information as herein defined, (3) directs agency heads to issue instructions in conformity with these procedures, (4) directs the Director of Central Intelligence to develop similar procedures for protection of classified intelligence information, and (5) requests the Attorney General to convene an interdepartmental group on the effectiveness of existing laws against unauthorized disclosure of classified information.

UNCLASSIFIED

-2-

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National Security Council Information

National Security Council Information means classified information contained in: (1) any document prepared by or intended primarily for use by the NSC, its interagency groups as defined in NSDD-2, or its associated committees and groups, and (2) deliberations of the NSC, its interagency groups as defined in NSDD-2, or its associated committees and groups.

Access *NSC info only*

Any agency or department handling NSC Information will hold the number of persons having access to such information to the absolute minimum consistent with efficient operations of the NSC system, and will strictly control document dissemination and reproduction to carry out existing law. A numbered cover sheet bearing the notation appearing below will be affixed to each copy of a document containing NSC Information. The cover sheet will be attached at the time it is submitted to an Assistant Secretary or equivalent level. The NSC will provide sample cover sheets to departments and agencies who will then be responsible for further distribution and administration.

NOTICE

The attached document contains classified National Security Council Information. It is to be read and discussed only by persons authorized by law.

Your signature acknowledges you are such a person and you promise you will show or discuss information contained in the document only with persons who are authorized by law to have access to this document.

Persons handling this document acknowledge he or she knows and understands the security law relating thereto and will cooperate fully with any lawful investigation by the United States Government into any unauthorized disclosure of classified information contained herein.

Implementation

① Agency and department heads will forward to the NSC implementing instructions on these procedures no later than March 15, 1982.

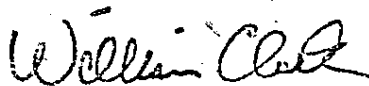
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② The DCI will also submit by that date for NSC consideration draft procedures for protection of sensitive intelligence information within its control. Such procedures will be cleared within the Intelligence Community and dissenting views will be noted.

③ The Attorney General is requested to convene by March 1, 1982, an interagency group to report to the President on the effectiveness of existing statutes and Executive Orders prohibiting unauthorized disclosure of classified information. The report should be submitted by April 1, 1982.

FOR THE PRESIDENT:


William P. Clark

UNCLASSIFIED

2 MAR 1982

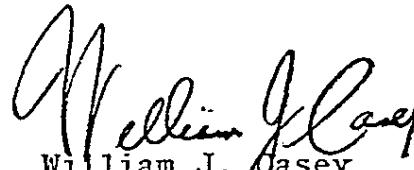
MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE COUNCIL

SUBJECT: Implementation of NSDD-19 on Protection of Classified
National Security Council and Intelligence Information

REFERENCE: Assistant to the President for National Security
Affairs Memorandum dated 2 February 1982

1. Referenced memorandum provides new national policy guidance on protection of certain types of sensitive information in implementation of NSDD-19. Mr. Clark has directed me to develop draft procedures for protection of classified intelligence information similar to those prescribed for National Security Council material, and to submit my procedures for NSC consideration no later than 15 March 1982.

2. My proposed implementing procedures are attached. I request that you provide me any specific concerns you have with these no later than 10 March, and that you include suggested alternatives to alleviate any such concerns. If addressees indicate sufficient need, we will discuss these procedures at an early NFIC meeting.


William J. Casey
Chairman

Attachment

DRAFT

PROTECTION OF CLASSIFIED INTELLIGENCE INFORMATION

This responds to the instructions of the Assistant to the President for National Security Affairs that the DCI develop procedures to protect classified intelligence information similar to those established for National Security Council (NSC) information.

Sensitive Intelligence Information

For purposes of this policy sensitive intelligence information means (1) all classified intelligence information bearing Intelligence Community special access controls formally limiting access and dissemination (equals Sensitive Compartmented Information (SCI)); (2) all CIA/DDO Blue Border series material; and (3) all other information directly related to intelligence and which is controlled by special access programs established by department/agency heads in accordance with the provisions of Executive Order 12065.

Access Procedures

Departments and agencies that originate or receive sensitive intelligence information shall keep the number of their personnel having access to such information to the absolute minimum. Senior Intelligence Officials (members of NFIB or NFIC) are directed to take immediate action to review current access and dissemination practices. The review is to ensure that inertia and out-dated

justifications do not contribute to continued access by persons who have no current "must know." All accesses to sensitive intelligence information shall be on the basis of strict application of "must know."

Cover Sheets

Cover sheets shall be used on all sensitive intelligence information in hard copy form. These shall identify the office(s)/person(s) to which/whom such information is disseminated. Current cover sheets for SCI and other information may be used if they provide this identifying data.

Personal Accountability

No person may be granted access to sensitive intelligence information without having first signed a nondisclosure agreement which contains a specific requirement for pre-publication review of information concerning or related to intelligence matters. A person's signature of such an agreement is considered sufficient indication that he or she is aware of personal responsibilities to protect sensitive intelligence information, and of the duty to cooperate fully in any investigation of unauthorized disclosure of that information.

Investigation of Unauthorized Disclosures

Senior Intelligence Officials are directed to conduct timely internal investigations when they determine that an unauthorized disclosure of sensitive intelligence information in their custody has occurred. The polygraph is an appropriate means for use in

unauthorized disclosure investigation. All such determinations shall be reported to the DCI, with assessments of the disclosure's damage and the degree of known dissemination of the disclosed information. The DCI will refer significant unauthorized disclosures to the Department of Justice requesting FBI investigation. Whenever Justice directs an FBI investigation, the FBI shall be provided access to the full scope of internal investigation results.

Contacts with the News Media

There should be no reason for any but the most senior intelligence officers to have any contacts with the news media, and those contacts must be severely limited and subject to specific advance approval. When a senior level contact with the news media is deemed absolutely necessary in a Community department or agency, it may be made only with the specific advance approval of the cognizant Senior Intelligence Official. In no case may approval be given to discussion of classified intelligence sources or methods in any contacts with the news media. Whenever a Senior Intelligence Official believes that a contact he is authorizing may result in publicity concerning intelligence activities or information, he shall advise the DCI or his designee of the circumstances by appropriate and timely means.

TOP SECRET ONLY

CONFIDENTIAL**ROUTING AND RECORD SHEET** *89-4277/1 +2*

SUBJECT: (Optional) Implementation of NSDD 10, "Protection of Classified National Security Council and Intelligence Information"

FROM: Chairman, SECOM		EXTENSION: 	NO:
TO: (Officer designation, room number, and building) 		DATE: 28 January 1982	OFFICER'S INITIALS:
RECEIVED: 		FORWARDED: 	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. DDCI			This is the implementing draft I was tasked to prepare.
2.			comments have been included. Walt Elder feels the NFIC is the appropriate forum for discussion in order to include OSD policy. A copy of this package has been passed to Bob Gates but he has not yet had a chance to react. Request your approval of this approach and any comments you might have.
3. DCI			
4. <i>NOT forwarded to DCI in view of issuance of NSC</i>			
5. <i>memo dtd 2 Feb PLS</i>			
6. <i>resubmit per guidance in 2 Feb memo</i>			
7. <i>DRS 2/2/82</i>			
8. ICS/OCC/SECOM	2/2/82	RS	
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FORM 610 USE PREVIOUS EDITIONS

CONFIDENTIAL

CONFIDENTIAL

Approved For Release 2008/11/06 : CIA-RDP90B01013R000100040031-9

82-4277/1

29 JAN 1982

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

25X1 FROM:
Chairman, DCI Security Committee

25X1 SUBJECT: Implementation of NSDD 19, "Protection of Classified
National Security Council and Intelligence Information"

1. Action Requested: Your consideration of proposals to implement NSDD 19 for the Intelligence Community, and your guidance on how to proceed.

25X1

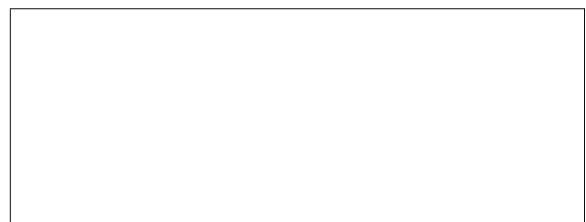
2. Background: The President tasked Mr. Clark to prepare implementation procedures for NSDD 19. Mr. Clark has directed you to develop procedures for protection of sensitive classified intelligence information similar to those prescribed for NSC information. They are to be cleared within the Community and submitted to the NSC in draft no later than 15 February 1982, with any dissents noted.

25X1 3. Discussion: Preliminary analysis within CIA suggests divisions that might surface in the Community. One view is that we should use the NSDD as a lever to impose strict controls over all intelligence information - this seems incompatible with timely handling of high volumes of data. Another view is that only cosmetic adjustments need to be made. A middle course would be to use this opportunity to tighten control over truly sensitive material in a manner that recognizes resource limitations and timeliness imperatives.

25X1

4. Staff Position: Our proposals on specific aspects of this are:

25X1 a. Definition of "sensitive classified intelligence information" you are to address -- We propose that this be defined as Sensitive Compartmented Information (SCI), Operations Directorate Blue Border series material, and, within Defense, special access program information related to intelligence These types of data are tightly controlled now because of their sensitivity. ✓



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b. Strict access controls and polygraph use in case of leaks -- We propose only slight modifications to existing procedures. Access to SCI, etc., is only granted now based on must-know considerations. A restatement of that seems to be all that is needed. Personal responsibility associated with access is clearcut under the current policy requiring signature of nondisclosure agreements as a condition of access. However, current policy encourages but does not mandate having those agreements include specific prepublication review requirements. The absence of such may blur a signatory's sense of responsibility. The NSDDs requirements that those granted access to strictly controlled material be subject to use of "all legal methods" (read polygraph) in investigations of leaks is a Presidential mandate. We propose that you specifically tell the Community that this requirement applies to all who now have or are subsequently granted access to SCI, etc. We further propose that Community nondisclosure agreements be modified to include this requirement. ✓

c. Tight control over contacts with the news media -- We propose that you state to the Community that you see no reason for working-level intelligence officers and little reason for senior ones to be talking to the press. Further, that you state that where some contact is deemed absolutely necessary in a Community department or agency, contact may be made only with the advance approval of the responsible Senior Intelligence official (SIO) (defined to be a member of NFIB or NFIC) in accordance with NSDD 19 provisions, with a copy of the required memorandum of what transpired provided to you. ✓

d. Limits on dissemination of sensitive material -- We propose that you task SIOs to conduct critical reviews of their dissemination practices and procedures for SCI, etc., aimed at eliminating duplicative and unnecessary dissemination and limiting the balance to cases of clear "must know." Further, that you require SIOs to report to you in writing that they have done this and that they personally vouch for the necessity of residual dissemination. ✓

e. Unauthorized disclosures investigations -- We propose that you restate current procedures in somewhat more emphatic form. Specifically, that you require SIOs to conduct internal investigations when they determine that a leak occurred in their agency; that they report all such determinations to you; and that you tell the SIOs you will refer significant leaks to the Justice Department, asking for FBI investigation and/or legal action. Further, that you inform SIOs that the FBI may have access to the results of internal investigations and has been authorized to conduct polygraph examinations incident to leak investigations for those agencies which lack a polygraph capability. ✓

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f. Tactics -- We propose that you and the DDCI consider:

(1) Discussion by the DCI at an early NFIC meeting of NSDD 19 requirements and your proposed implementation of it. Specific dissents should be requested in writing in time to be attached to the material you are to send the NSC by 15 February.

(2) Emphasizing to the Community that these changes are driven by Presidential decision and are not subject to debate within the NFIC structure.

(3) Having the DDCI address an early meeting of the Security Committee (after the NFIC one) to provide implementation guidance for those who will have to work out procedures for the Community agencies.

25X1
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25X1
5. Recommendation: Your review of these proposals as reflected in attached draft material for your use in communicating requirements to SIOs and the Community. Your guidance on how to proceed.

Attachment:
Proposals

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MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE COUNCIL

SUBJECT: Implementation of NSDD 19 on Protection of NSC and Intelligence Information

1. The President has signed NSDD 19 on protection of sensitive information (copy attached). Mr. Clark, the Assistant to the President for National Security Affairs has been directed to establish the detailed procedures to implement policies. Mr. Clark has directed me to develop similar procedures for protection of sensitive classified intelligence information and submit draft procedures by February 15, 1982.

2. My implementing procedures are attached. We will discuss this issue at an early NFIC meeting.

William J. Casey

Attachment:
Proposed Procedures
NSDD 19

DERIVATIVE COPY Signer
DATE OF REVIEW 29 Jan 1988
BY

DCI PROCEDURES REGARDING PROTECTION OF SENSITIVE INTELLIGENCE INFORMATION

The following is issued in response to the instructions of the Assistant to the President for National Security Affairs to prepare procedures for protection of sensitive classified intelligence similar to those established in accordance with NSDD 19 for protection of NSC information.

Sensitive Classified Intelligence

Sensitive Classified Intelligence includes (1) all information bearing SCI special Community controls indicating restricted handling within present and future Community intelligence collection programs and their end products for which Community systems of compartmentation have been or will be formally established, (2) all DDO/CIA's Blue Border series material, (3) those Special Access Programs related to intelligence established by department heads in accordance with provisions of E.O. 12065.

Contacts with the News Media

There should be no reason for intelligence officials to discuss classified intelligence with the news media. In those rare cases where it is deemed essential for an intelligence officer to meet with the press, approval will be required in advance by a Senior Intelligence Official (a member of NFIB or NFIC). No approval will be given to discuss classified intelligence matters. Subsequent to the approved interview an administrative memorandum will be forwarded to the SIO. If in his discretion it is appropriate, a copy will be furnished to the DCI.

Access and Investigation

Agencies that handle sensitive intelligence information will keep the number of individuals with access to such information to the absolute minimum. While the restriction on billets has been removed, it is incumbent on SIOs to ensure that inertia and out-dated justifications do not contribute to automatic access by individuals who have no need-to-know.

Agencies will strictly control document dissemination in both hard copy and by electrical means. Dissemination practices are to be critically reviewed by SIOs toward a goal of eliminating repetition and redundancy. A strict application and rejustification of need-to-know is required. SIOs are directed to personally review current dissemination practices and procedures and report to the DCI by 1 April 1982 on actions taken to reduce distribution.

Cover sheets will continue to be used on sensitive intelligence information.

The signature of an individual on a nondisclosure of intelligence agreement is considered sufficient to make that individual subject to investigation by all legal means including, the polygraph, in the event of unauthorized disclosure. Nondisclosure agreements are to be revised to include explicitly the provisions of NSDD 19 for investigation by all legal means, including polygraph.

SIOs are directed to conduct timely internal investigations when they determine that an unauthorized disclosure has occurred of material in their custody. All such determinations of unauthorized disclosure shall be reported to the DCI. The DCI will refer significant unauthorized disclosures to the Justice Department requesting investigation. In the event of an investigation directed by Justice Department and conducted by the FBI, the FBI is to be provided access to the full scope of internal investigation results. The FBI will have the authority to conduct polygraph examinations incident to investigations for those agencies which lack a polygraph capability.

THE WHITE HOUSE

WASHINGTON

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 19

Protection of Classified National Security Council
and Intelligence Information

Unauthorized disclosure of classified information under the jurisdiction of the National Security Council and of classified intelligence reports is a problem of major proportions within the U.S. Government. The Constitution of the United States provides for the protection of individual rights and liberties, including freedom of speech and freedom of the press, but it also requires that government functions be discharged efficiently and effectively, especially where the national security is involved. As President of the United States, I am responsible for honoring both Constitutional requirements, and I intend to do so in a balanced and careful manner. I do not believe, however, that the Constitution entitles government employees, entrusted with confidential information critical to the functioning and effectiveness of the Government, to disclose such information with impunity. Yet this is precisely the situation we have. It must not be allowed to continue.

To this end, I hereby establish and direct implementation of the following policies.

Contacts with the Media

All contacts with any element of the news media in which classified National Security Council matters or classified intelligence information are discussed will require the advance approval of a senior official. An administrative memorandum will be prepared as soon as possible after the contact, recording the subjects discussed and all information provided to the media representatives.

Access

The unauthorized disclosure of classified National Security Council information, documents, and deliberations requires further control to limit access and to ensure an accurate record of those who have had access. The number of officials with access to documents relating to NSC matters will be kept to the minimum essential to the orderly conduct of the government's business.

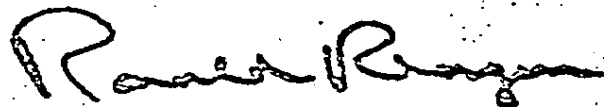
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Investigations

The government's lack of success in identifying the sources of unauthorized disclosure of classified National Security Council information and documents of classified intelligence information must be remedied and appropriate disciplinary measures taken. Henceforth, in the event of unauthorized disclosure of such information, government employees who have had access to that information will be subject to investigation, to include the use of all legal methods.

Applicability and Implementation

The provisions of this directive shall be effective immediately and shall apply to all employees of, and elements within, agencies participating in the National Security Council system, including the Executive Office of the President. The Assistant to the President for National Security Affairs is directed to establish the detailed procedures to implement policies.



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SUBJECT: Implementation of NSDD-19 on Protection of Classified National
Security Council and Intelligence Information

Distribution:

Orig - Return C/SECOM

1 - DCI w/att

1 - DDCI w/att

2 - ER w/att

1 - D/ICS w/att

1 - D/OCC/ICS w/att

1 - ES/NFIB w/att

1 - ICS Registry w/att

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SUBJECT: Implementation of NSDD-19 on Protection of Classified National
Security Council and Intelligence Information

Distribution:

Orig - Addressee

1 - C/SECOM